UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,531	11/21/2000	Gary W. Tripp	1770-3-3	2557

7590 12/17/2003	**EXAMINER**
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ART UNIT	PAPER NUMBER
2177	

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DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/718,531	TRIPP ET AL.
	Examiner	Art Unit
	Susan F. Rayyan	2177

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 November 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>15-74</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-14,75 and 76</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>15-42,44-62,64,66 and 68-74</u> is/are rejected.

7)☒ Claim(s) <u>43,63,65 and 67</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 November 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1.	Applicant's election of 15-74 in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2.	This application contains claims 1-14, 75-76 drawn to an invention nonelected with traverse in Paper No. 3. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

3.	Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4.	Claims 15-74 are pending.

Priority

5.	An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

Claim Rejections - 35 USC § 112

6.	The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.	**Claims 16,18,20,22,24,26,28,30,32,34,36,38,40,42,44,46,48,50,52,54,56,58,60,62,64,**

66,68,70,72,74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

With regard to claims 18,20,22,24,26,30,32,34,36,38,40,42,44,48,50,54,56,

58,60,62,64,66,68,70,72,74, Applicant is requested to write out the limitations.

With regard to claims 16,28,46,52 the limitation is vague as to the data set and computer

program.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   **Claims 15-28,31-42,51-52, 55-58, 69-74 are rejected under 35 U.S.C. 102(b) as being**

anticipated by Emens (US 6,295,559).

As per claims 15,16 Emens anticipates:

"running on the cataloging site a program which assembles data relating to objects stored on the two or

more source sites where, for each of the two source sites, such data is gathered from a file that is not

part of any of said objects and said file contains data entered by said file contains data entered by a

human about at least one of said objects" col.1, lines 42-44, col. 5, lines 15-27;

"ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning

rankings to the assembled data to generate the catalog of rankings where at least one of the rankings

has a value that is function of said human input data about one or more objects with which the ranking

is associated" at col.1, lines 42-44 and col.6, lines 40-42.

Emens teaches a program which assembles data relating to objects stored on the two or more

source sites where, for each of the two source sites, such data is gathered from a file that is not part of

any of said objects and said file contains data entered by said file contains data entered by a human

about at least one of said objects, and ranking at col.1, lines 42-44, col5, lines 15-27, col6, lines 40-42.

As per claims 17-18 same as claim arguments above and Emens anticipates:

"wherein the data assembled at the two or more source sites is assembled by an agent program

running on the source site" at col.5, lines 21-26.

As per claims 19-20 same as claim arguments above and Emens anticipates:

"wherein at least one of the rankings has a value that is a function of human usage of the object

references" col.5, lines 1-2.

As per claims 21-22 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises data from the contents of objects on at least one of

the source sites" at col.4, lines 59-63.

As per claims 23-24 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises meta data relating to objects on at least one of the

source sites" at col.4, lines 59-63.

As per claims 25-26 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises ratings of objects on the source site" at col.4, lines 59-

63.

As per claims 27-28, Emens anticipates:

"running on each source site a program which assembles data relating to objects stored on the source

site" at col.5, lines 15-27;

"ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning

rankings to the assembled data" at col.5, lines 27-44;

"transmitting the rankings from each source site to the cataloging site" at col.5, lines 21-27;

"aggregating a rankings at the cataloging site to generate a catalog of rankings" at col.5, lines 15-27.

Emens teaches running on each source site a program which assembles data relating to objects stored on the source site, ranking at least some of the assembled data, transmitting the rankings and aggregating a rankings at col.5, lines 15-44.

As per claims 31-32 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises data from the content of objects on the source site" at col.4, lines 59-63.

As per claims 33-34 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises meta data relating to objects on the source site" at col.4, lines 59-63.

As per claims 35-36 same as claim arguments above and Emens anticipates:

"wherein each transmitted ranking is accompanied by a command to the cataloging site instructing the cataloging site what to do with the ranking" at col.5, lines 27-44.

As per claims 37-38 same as claim arguments above and Emens anticipates:

"wherein the program further assembles object references for objects on the source site, and these object references are transmitted to the cataloging site and aggregated into the catalog on the cataloging site" at col.5, lines 15-27.

As per claims 39-40 same as claim arguments above and Emens anticipates:

"wherein the program further transmits to the cataloging site some of the assembled data which is aggregated into the catalog on the cataloging site" at col.5, lines 21-27.

As per claims 41-42 same as claim arguments above and Emens anticipates:

"wherein at least one of the rankings relates to a set of objects on the source site" at col. 5, lines 28-30.

As per claims 51-52 Emens anticipates:

"running on the site a program which processes objects stored on the site, thereby assembling values

found in at least one of the objects for comparison to a list of rating values" at col.5, lines 27-44;

"generating a rating for each object by relating the values found in the object to the list of rating values"

at col.5, lines 27-44;

"aggregating the ratings to generate the catalog of ratings" at col. 5, lines15-26.

Emens teaches running on the site a program which processes objects stored on the site,

assembling values found in at least one of the objects for comparison to a list of rating   values,

generating a rating for each object by relating the values found in the object to the list of rating values

and aggregating the ratings to generate the catalog of ratings at col.5, lines 15-44.

As per claims 55-56 same as claim arguments above and Emens anticipates:

"wherein he rating values a supplied by a human" at col.1, lines 42-44.

As per claims 57-58 same as claim arguments above and Emens teaches:

"wherein the rating values are supplied by a computer" col.5, lines 28-29.

As per claims 69-70 same as claim arguments above and Emens anticipates:

"wherein the step of processing objects comprises processing meta data for the objects" at col.5, lines

15-20.

As per claims 71-72 same as claim arguments above and Emens anticipates:

"wherein the list of ratings values is stored on the site" at fig. 4,7.

As per claims 73-74 same as claim arguments above and Emens anticipates:

"wherein the list of ratings values is stored on a second site" at fig.4.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

12.   **Claims 29-30, 45-50, 53-54, 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Emens et al (US 6,295,559 B1) in view of Culliss (US 6,078,916).**

As per claims 29-30 same as claim arguments above and Emens does not explicitly teach

"wherein at least one of the rankings has a value that is a function of human input data about one or

more objects with which the ranking is associated where the human input data is stored in a file on the

source site which file is not a part of said one or more objects and assembled by said program" at

co.18, lines 54-60. Thus it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the cited references to organize articles by ratings (col.18, lines 47-48).

As per claims 45-46 Emens teaches:

"running on a central computer a program which processes objects stored on the source computers,

thereby assembling values found in at least one of the objects for comparison to a list of rating values"

"generating a rating for each object by relating the values found in the object to a list" at col.5, lines 27-

44;

"aggregating gating the ratings to generate the catalog of ratings" at col. 5, lines15-26.

Emens does not explicitly teach "human input rating values supplied by an owner of the site and

stored in a file associated with the site which file is read by said program" however Culliss does teach

this limitation at col.18, lines 45-76. Thus it would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the cited references to organize articles by ratings (col.18, lines 47-

48).

As per claims 47-48 same as claim arguments above and Cullies teaches:

"wherein each of the rating values comprises a word" at col. 18, lines 48-51.

As per claims 49-50 same as claim arguments above and Emens teaches:

"wherein additional human input rating values are supplied by a host of the site and stored in said file"

at col.1, lines 42-44.

As per claims 53-54 same as claim arguments above and Emens does not explicitly teach

"wherein each of the rating comprises a word" however Culliss does teach this at col. 18, lines 48-51.

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the cited references to organize articles by ratings (col.18, lines 47-48).

As per claims 59-60 same as claim arguments above and Emens does not explicitly teach

"wherein generating ratings of the objects comprises comparing the values found in the object to a list

of human input rating values supplied by an owner of the site and stored in a file associated with the

site which file is read by said program" however Culliss does teach this limitation at col.18, lines 45-76.

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the cited references to organize articles by ratings (col.18, lines 47-48).

As per claims 61-62 same as claim arguments above and Emens teaches:

"wherein additional human input rating values are supplied by a host of the site and stored in said file"

at col.1, lines 42-44.

Allowable Subject Matter

13.   Claims 44,64,66,68 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the
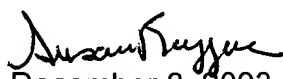
base claim and any intervening claims.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Susan Rayyan whose telephone number is (703) 305-0311. The examiner can normally

be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this

application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238

for After Final communications and (703) 746-7240 for Status inquires and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan

December 8, 2003

GRETA ROBINSON

PRIMARY EXAMINER